

REMARKS

The Office action mailed April 1, 2008, in view of the Examiner's Answer mailed May 11, 2010, has been reviewed and these remarks are responsive thereto. Claims 1, 3-10, and 12-22 are pending. No new matter has been added. Reconsideration and allowance are respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 10-22 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention.¹ This rejection is traversed.

Independent claim 10 is directed to an apparatus and has been amended to recite a processor configured to execute at least one software module that causes the apparatus to perform various methodological acts. Illustrative, non-limiting support for the processor and at least one software module is provided in the filed specification when read as a whole, and for example, at page 16, lines 24-30 and Figure 7 (processor 271). Based on the amendments to independent claim 10, withdrawal of the section 112, second paragraph rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-10, and 12-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. pat. no. 5,600,573 to Hendricks et al. ("Hendricks"), in view of U.S. pat. no. 6,088,732 to Smith et al. ("Smith"). These rejections are traversed below.

Amended independent claim 1 recites, among other features, "receiving a coding and formatting request in one of at least two different formats from a user; analyzing parameters contained in the coding and formatting request from said user . . . wherein the method further includes processing auxiliary services that comprises: analyzing auxiliary services processing requests based on the analysis of the parameters contained in the coding and formatting request." Illustrative, non-limiting support for the amended features of claim 1 may be found in the filed

¹ The section 112, second paragraph rejection was introduced as a new ground of rejection at page 9 of the Examiner's Answer.

specification when read as a whole, and for example, at page 13, lines 26-29 (user may request specific formats and coding schemes) and page 24, lines 9-14 and Figure 10 (routine 385 analyzes any auxiliary services processing request parameters that may be part of the coding and formatting request).

The Examiner's Answer at page 13 contends that the outstanding rejection treats the actual processing of auxiliary services to be analogous to the processing of main video content, because the previous recitations did not specify that the coding and formatting request included an actual selection of which advertisements should be packed with a requested program. Even assuming (without admitting) that the association of advertisements with programs in a program lineup described in Hendricks at col. 10, lines 39-55 could have been analogized to analyzing auxiliary services processing requests, Hendricks fails to teach or suggest that the alleged analysis of the auxiliary services processing requests is based on an analysis of parameters contained in a coding and formatting request received from a user as recited in amended claim 1.

Notwithstanding whether a combination of Hendricks and Smith would have been proper, Smith fails to remedy the deficiencies of Hendricks described above with respect to claim 1. Claim 1 is distinguishable from the applied documents for at least the foregoing reasons.

Amended independent claim 10 recites features similar to those described above with respect to claim 1 and is distinguishable from the applied documents for at least reasons substantially similar to those discussed above with respect to claim 1.

The dependent claims are distinguishable from the applied documents for at least the same reasons as their base claims and further in view of the unique combinations of features recited therein. For example, claim 9 recites "reading target content routing address information; and configuring one or more target content routers based on the address information." The Office Action at page 8 contends that Hendricks at col. 19, lines 36-54 (amongst other passages) describes the above-noted features recited in claim 9. However, neither the cited passages of Hendricks nor any other passage of Hendricks describes configuring one or more target content routers based on the address information. Instead, Hendricks at col. 19, lines 36-54 merely describes determining whether a link is available to distribute a program. Even assuming (without admitting) that the link described in Hendricks could have been analogized to the one or more target content routers recited in claim 9, Hendricks fails to describe configuring the link

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based on target content routing address information as recited in claim 9. Claim 9 is allowable for at least these additional reasons.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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